

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

K.A.R. 109-2-2

A public hearing will be conducted at 09:00 a.m., Friday, November 15, 2013, in Room 560, of the Landon State Office Building, 900 SW Jackson, Topeka, to consider the adoption of proposed changes in an existing regulation.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the EMS Operations Manager, Room 1031, 900 SW Jackson, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Ann Stevenson, at (785) 296-7296, Handicapped parking is located in front of and to the north of the Landon State Office Building.

This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and the economic impact statement follow.

K.A.R. 109-2-2 Application for ambulance service permit and ambulance vehicle license; permit renewal and license renewal. The proposed amendment allows for a

service to have a long term vehicle maintenance program that would eliminate the annual submission of the safety and mechanical inspection form and allow their maintenance records to be reviewed during the annual service inspection. This would eliminate the cost associated with a service sending their ambulances out to have the vehicle checked by a certified mechanic and completing the safety and mechanical inspection form and the cost associated with the inspection by the mechanic.

These changes are not mandated by federal law and there is no economic impact expected on the Board, or other governmental agencies. Private businesses, individuals, or consumers of the service should see a positive economic impact.

Copies of this regulation and economic impact statement may be obtained from the Board of Emergency Medical Services at the contact information above or can be accessed at www.ksbems.org.

109-2-2. Application for ambulance service permit and ambulance vehicle license; permit

renewal and license renewal. (a)(1) An applicant may apply for only one ambulance service permit for each ambulance service that the applicant seeks to operate. Each applicant shall indicate the class of service for the permit requested as type I ambulance service, type II ambulance service, type IIA ambulance service, or type V ambulance service.

(2) An applicant may apply for only one ambulance license for each ambulance that the applicant seeks to operate. Each applicant shall indicate the class of ambulance for each license requested.

(b) All ambulance service permit and ambulance license application and renewal forms shall be submitted in a format required by the executive director.

(c)(1) Each initial and each renewal applicant for a ground ambulance service permit and ambulance license shall meet one of the following requirements:

(A) Obtain a mechanical and safety inspection from a person doing business as or employed by a vehicle maintenance service or a city, county, or township or from a certified mechanic as defined in K.A.R. 109-1-1, for each ambulance within 180 days before the date of ambulance service application renewal; or

(B) have a long-term vehicle maintenance program with requirements equivalent to or exceeding the requirements of the mechanical and safety inspection form.

(2) In order for an ambulance license to be renewed, the mechanical safety inspection forms shall not contain any deficiencies identified that would compromise the safe transport of patients.

(d) Each initial and each renewal application for an air ambulance shall include a valid standard airworthiness certificate for each aircraft, evidence of an air safety training program,

and an informational publication.

(e)(1) Each new ground ambulance shall meet one of the following requirements:

(A) Be required to have a mechanical or safety inspection submitted on forms required by the board or shall require documentation from the manufacturer indicating that the vehicle has undergone a predelivery inspection without deficiencies; or

(B) have a long-term vehicle maintenance program with requirements equivalent to or exceeding the requirements of the mechanical and safety inspection form.

(2) Each used or retrofitted ground ambulance shall be required to have a mechanical and safety inspection.

(f) Each ambulance service permit and ambulance license shall expire on April 30 of each year ~~and~~. Any such permit or license may be renewed annually in accordance with this regulation. If the board receives a complete application for renewal of an ambulance service permit or an ambulance license on or before April 30, the existing permit or license shall not expire until the board has taken final action upon the renewal application or, if the board's action is unfavorable, until the last day for seeking judicial review.

(g) If the board receives an insufficient initial application or renewal application for an ambulance service permit or ambulance license, the applicant or operator shall be notified by the board of any errors or omissions. If the applicant or operator fails to correct the deficiencies and submit a sufficient application within 30 days from the date of written notification, the application may be considered by the board as withdrawn.

(h) An application for ambulance service permit or permit renewal shall be deemed sufficient if all of the following conditions are met:

(1) The applicant or operator either completes all forms provided with the application for ambulance service permit or permit renewal or provides all requested information online. No additional information is required by the board to complete the processing of the application.

(2) Each operator submits the list of supplies and equipment carried on each ambulance validated by the signature of the ambulance service's medical director to the board each year with the operator's application for an ambulance service permit.

(3) The applicant or operator submits payment of the fee in the correct amount for the ambulance service permit or permit renewal and ambulance license fees.

(4) Each operator provides the inspection results to the board on forms provided by the executive director with the application for renewal.

(i) Each publicly subsidized operator shall provide the following statistical information to the board with the application for renewal of a permit:

(1) The number of emergency and nonemergency ambulance responses and the number of patients transported for the previous calendar year;

(2) the operating budget and, if any, the tax subsidy;

(3) the charge for emergency and nonemergency patient transports, including mileage fees; and

(4) the number of full-time, part-time, and volunteer staff.

(j) Each private operator shall provide the following statistical information to the board with the application for renewal of a permit:

(1) The number of emergency and nonemergency ambulance responses and the number of patients transported for the previous calendar year;

(2) the charge for emergency and nonemergency patient transports, including mileage fees; and

(3) the number of full-time, part-time, and volunteer staff.

(k) As a condition of issuance of an initial ambulance service permit, each ambulance service operator shall provide with the application the ambulance service's operational policies and approved medical protocols pursuant to K.A.R. 109-2-5.

(l) The operator of each type I, type II, type IIA, and type V ground ambulance service shall develop a list of supplies and equipment that is carried on each ambulance. This list shall include the supplies and equipment required by the board for the license type and any additional supplies or equipment necessary to carry out the patient care activities as indicated in the services medical protocols in accordance with K.S.A. 65-6112 and amendments thereto. (Authorized by K.S.A. 2012 Supp. 65-6110, as amended by ~~L. 2011, ch. 114, sec. 81~~, and ~~K.S.A. 2010 Supp. 65-6111~~; implementing K.S.A. 2012 Supp. 65-6110, as amended by ~~L. 2011, ch. 114, sec. 81~~, K.S.A. 65-6127, and K.S.A. 65-6128; effective May 1, 1985; amended July 17, 1989; amended Jan. 31, 1997; amended Dec. 29, 2000; amended Jan. 27, 2012; amended P- _____.)

Kansas Board of Emergency Medical Services

Economic Impact Statement

K.A.R. 109-2-2

I. Summary of Proposed Regulation, Including its purpose.

K.A.R.109-2-2. The regulation applies to application for ambulance service permit and ambulance vehicle license; permit renewal and license renewal. A long term vehicle maintenance plan was added as an option to submitting a vehicle mechanical and safety inspection form. This allows a service that has a vehicle maintenance program the option to open their maintenance records during the inspection process and forgo submitting a vehicle safety and mechanical inspection form.

II. Reason or Reasons the Proposed Regulation Is Required, Including Whether or Not the Regulation Is Mandated by Federal Law.

The change in the regulation allows for a maintenance program to eliminate the submission of the safety and mechanical inspection form and the cost associated with the completion by the certified mechanic and submission to the Kansas Board of Emergency Medical Services. This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the Kansas Board of Emergency Medical Services.

There will be no overall cost to the Kansas Board of Emergency Medical Services associated with the implementation of this regulation.

IV. Anticipated Economic Impact upon Other Governmental Agencies and upon Private Business or Individuals.

The Board does anticipate an economic impact on other governmental agencies, however, private businesses or individuals could possibly reduce their cost.

V. Anticipated Economic Impact upon Consumers of the Services Subject to the Regulation or its Enforcement.

The Board does anticipate an economic impact on other governmental agencies. Each service could actually save the cost of sending the unit to the mechanical shop to have the unit inspected and the form completed.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

No less costly or intrusive methods were considered.

VII. Public Hearing

A public hearing is scheduled for November 15, 2013 at 9:00 AM in room 560 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas.